



DECISIONS, NOTICES AND ORDERS

Friday, June 22, 2012

The Supreme Court of Appeals of West Virginia has taken action in the following cases. This list contains only the action taken by the Court, not the content or actual date of orders or decisions.

MEMORANDUM DECISIONS

In accordance with Rule 21, memorandum decisions were entered in the following cases:

State of West Virginia v. Nick Ryniawec, No. 11-0341 (Brooke 09-F-84, 10-F-30)
Affirmed (5-0)

State of West Virginia v. Tiffany Lynn Justice, No. 11-0644 (Mercer 10-F-335)
Affirmed (5-0)

State of West Virginia v. Ronald B. Givens, No. 11-0677 (Ohio 10-F-62)
Affirmed (5-0)

State of West Virginia v. Odell D. Morgan, No. 11-0692 (Ohio 08-F-55)
Affirmed (5-0)

State of West Virginia v. Donald Good, No. 11-0771 (Cabell 10-F-331)
Affirmed (5-0)

State of West Virginia v. Jason M. Payne, No. 11-1042 (Morgan 07-F-68)
Affirmed (5-0)

State of West Virginia v. Jason M. Payne, No. 11-1045 (Morgan 07-F-68)
Affirmed (5-0)

David Lee Milhorn, II v. West Virginia Department of Agriculture and Gus R. Douglass, Commissioner of Department of Agriculture, No. 11-1130 (Mason 07-C-36)
Affirmed (5-0)

Scott Sadler and Corrina Sadler v. Nationwide Property and Casualty Insurance Company, No. 11-0664 (Jefferson 09-C-283)
Affirmed (5-0)

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Howard J. Harper, doing business as Chuck's Cigarettes & Vending v. West Virginia Department of Revenue, State Tax Department, and Craig A. Griffith, State Tax Commissioner, No. 11-1044 (Randolph 11-AA-1)

Affirmed (5-0)

Alan K. Vance v. John D. Smallridge Jr., Successor Trustee, No. 11-0689 (Kanawha 08-C-3055)
Affirmed (3-2) (Chief Justice Ketchum and Justice Benjamin dissenting)

Alston Blankenship and Ruby Burns v. Stephanie Mendelson, Jessica Mendelson and Noah Mendelson, No. 11-1136 (Greenbrier 10-C-15)

Affirmed (5-0)

Frank Vetter v. Town of Moorefield, No. 11-1353 (Hardy 10-C-81)

Affirmed (5-0)

Lucas Lynn McVay v. Thomas McBride, Warden, No. 11-0354 (Upshur 07-P-20)

Affirmed (5-0)

Edgar W. Friedrichs, Jr. v. David Ballard, Warden, No. 11-0564 (Fayette 10-C-93)

Affirmed in part, remanded in part (3-0) (Justice Benjamin not participating. Justice Workman disqualified.)

James C. Stewart v. Newton Energy, Inc., No. 11-0863 (Boone 10-C-290)

Affirmed (4-1)(Justice Benjamin dissenting)

RULE 20 ARGUMENT GRANTED

The following cases will be scheduled for Rule 20 oral argument
on a date to be determined by the Clerk:

Dan Ryan Builders v. Norman C. Nelson and Angelia Nelson, No. 12-0592 (Certified Question – U.S. District Court for Northern District of West Virginia 11-1215)

Jeffrey Jenkins and M. Jean McNabb v. City of Elkins, Stephen P. Stanton, Westfield Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA, and Bombardier Aerospace Corporation, No. 11-1059 (Harrison 10-C-164)

State Farm Mutual Automobile Insurance Company v. Jill F. Schatken and Steven N. Schatken, No. 11-1142 (Jefferson 10-C-367) (Justice Davis disqualified)

SER James Davis v. Hon. Fred L. Fox, II, Judge of the Circuit Court of Hancock County, No. 12-0603 (Original Prohibition)

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RULE 19 ARGUMENT GRANTED

The following case will be scheduled for Rule 19 oral argument on a date to be determined by the Clerk; unless otherwise stated:

SER Public Service Commission of West Virginia and Wetzel County Solid Waste Authority v. Lackawanna Transport Company and Solid Waste Services, Inc., No. 12-0527 (Original Mandamus) Rule to show cause issued, returnable September 26, 2012

SER Robert Shirley, Sheriff of Jefferson County v. Hon. David H. Sanders, Judge of the Circuit Court of Jefferson County, and Michael T. Dodson, No. 12-0586 (Original Prohibition)

SER Massachusetts Mutual Life Insurance Company v. Hon. David H. Sanders, Judge of the Circuit Court of Jefferson County, No. 12-0699 (Original Prohibition)

ORDERS

Orders of note were entered in the following cases:

SER John B. v. Honorable William M. Watkins III, Judge of the Family Court of Putnam County, No. 12-0720

Rule to show cause issued returnable June 28, 2012 unless sooner mooted.

SER Brian D. Thompson v. Hon. Joseph C. Pomponio, Jr., Judge of the Circuit Court of Pocahontas County, No. 12-0593 (Original Prohibition)

Petition refused (5-0)

SER Steve Solomon v. Hon. John Henning, Judge of the Circuit Court of Monongalia County, No. 12-0604 (Original Prohibition)

Petition refused (5-0)

SER Marvin Mills v. Hon. John Hutchison, Judge of the Circuit Court of Raleigh County, No. 12-0649 (Original Prohibition)

Petition refused (5-0)

Lawyer Disciplinary Board v. Karen E. Acord, No. 11-1356 (Lawyer Disciplinary)

Reprimanded

David E. Bowyer v. American General Home Equity, Inc., No. 11-1771 (Tyler 11-C-10)

Dismissed

In Re: Proposed Fee Increases for Applicants to the West Virginia State Bar

Effective January 1, 2013, fees for applicants to the West Virginia State Bar are as follows:

Student Application Filing Fee: \$400

Attorney Application Filing Fee: \$600

Reciprocity Application Filing Fee: \$1500

Late Filing Fee: \$200